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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,356	08/24/2001	Francis Edward Fisher	4136-212	3461

7590 12/01/2003
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New York, NY 10176

EXAMINER

LEO, LEONARD R

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 12/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/939,356

Applicant(s)

FISHER ET AL.

Examiner

Leonard R. Leo

Art Unit

3753

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

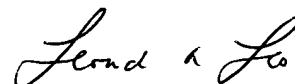
Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____



Leonard R. Leo
Primary Examiner
Art Unit: 3753

Continuation of 5. does NOT place the application in condition for allowance because:

Applicants' remarks with respect to Bollesen are correct. However, Bollesen (column 5, lines 63-65) discloses the thermal pad 16 may be omitted. Therefore, element 112 is read as the "heat sink."

Applicants' remarks with respect to Villaume are correct. However, the entire underside surface 24 of heat sink 10 is "coplanar" with and contacting discrete elements 50 (Figures 2-3).

Applicants' remarks with respect to Takahashi are mistaken. Figures 4A and 4B are perspective views of the embodiment of Figure 3, which clearly discloses discrete elements 1 mounted on the circuit board 3. Any structure of the corrugated heat sink 9 mechanically fixed to one discrete element and not the other discrete element is read as a "land."

Applicants' remarks with respect to Pavlovic are disheartening. The Examiner regrets any confusion applicants may have encountered. Figures 3-4 of Pavlovic show a cross-section of the heat sink 24 composed of a single sheet 32 having deformed fins 40, 42 extending on opposing sides of the heat sink. As disclosed in Figure 1, a plurality of discrete elements 18 are to be mechanically fixed to lands 46 of respective heat sink fins 40.

Applicants' remarks with respect to Katsui are not well taken. Applicants acknowledge Katsui discloses IC packages 4 and 6, yet fails to recognize the elements are "discrete." The Examiner would like to know what applicants believe the word "discrete" means. Discrete, by definition, means separate or distinct. IC packages 4 and 6 are clearly separate and distinct from one another.

The rejections in view of the secondary references of Rosenbaum and Pei et al are deemed correct for lack of any arguments to the contrary. Applicants merely state the secondary references do not disclose or teach what the primary reference allegedly lacks. Therefore, the respective teachings and motivations are deemed proper.